

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

WALTER RICE,

Plaintiff,

§

§

§

v.

§

CIVIL ACTION 3:05-CV-1048-R

§

LUPE VALDEZ, ROSELINE

§

MGBAKOR, DR. OLIVER, AND

§

OFFICER ANDREWS,

§

Defendants.

§

MEMORANDUM OPINION AND ORDER

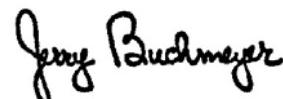
Before the Court is Defendant, Lupe Valdez' **MOTION TO DISMISS** (filed August 11, 2006) (Dkt. 34). After careful consideration of all parties' submissions and the law applicable to the issues before the Court, the Court **GRANTS** the **MOTION TO DISMISS**.

On October 4, 2005 Valdez filed a motion under Fed.R.Civ.P. 7(a), requesting that Rice be required to file a detailed reply tailored to her defense of qualified immunity (Dkt. 20). On October 17, 2005, the Court ordered Rice to file his reply within 10 days of that order and to set forth specific facts which, if proven, would overcome Valdez's entitlement to qualified immunity (Dkt. 22). Rice has not responded to the Court's order and as of this date, has failed to set out any facts to support his claim and defeat Defendant's claim of immunity. See *Schultea v. Wood*,

47F.3d 1427 (5th Cir. 1995). For the following reasons, Plaintiff's complaint is dismissed for failure to state a claim upon which relief may be granted.

The Clerk of Court shall transmit a true copy of this order to the plaintiff.

Signed this 19th day of January, 2007.



JERRY BUCHMEYER

UNITED STATES DISTRICT COURT JUDGE